

### **REMARKS**

This is in full and timely response to the Office Action dated November 3, 2005.  
Reexamination in light of the following remarks is respectfully requested.

Claims 1-7 are currently pending in this application, with claims 1, 5, 6, and 7 being independent. Claims 5-7 have been withdrawn from further consideration by the Examiner. *No new matter has been added.*

#### **Rejections under 35 U.S.C. §112**

Paragraph 3 of the Office Action indicates a rejection of claim 4 under 35 U.S.C. §112, second paragraph.

In this regard, please hold in abeyance this rejection until all other rejections under prior art have been addressed.

#### **Rejection under 35 U.S.C. §103**

Paragraph 5 of the Office Action indicates a rejection of claims 1-4 under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent No. 5,449,861 to Fujino et al. (Fujino) in view of U.S. Patent No. 6,867,374 to Ishgaki et al. (Ishgaki).

At least for the following reasons, if the allowance of the claims is not forthcoming at the very least and a new ground of rejection made, then a **new non-final Office Action** is respectfully requested.

This rejection is traversed at least for the following reasons.

Ishgaki reference has a prior publication date of April 22, 2004 for U.S. Patent Application Publication 2004/0076842. However, the above-identified application has a filing

date of December 10, 2003, which is earlier than the publication date of U.S. Patent Application Publication 2004/0076842. As a result, Ishgaki is *unavailable as prior art* and that the rejection of the claims using this reference should be withdrawn as a result. See M.P.E.P. § 706.02(f)(1)(C)(2).

Withdrawal of this rejection and allowance of the claims is respectfully requested.



### **Conclusion**

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

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Respectfully submitted,

By    
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